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REMARKS

The Examiner has rejected Claims 9-12, 14-15, 17-18 and 20-21 under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant respectfully asserts that such rejections are avoided in view of the clarifications made to each of the above rejected claims.

The Examiner has rejected Claims 1-26 under 35 U.S.C. 102(b) as being anticipated by Olsen (U.S. Patent No. 5,758,069). Applicant respectfully disagrees with such rejection, especially in view of the amendments made to each of the independent claims.

With respect to independent Claims 1, 8, 13, 16 and 19, the Examiner has relied on Col. 3, line 54-Col. 4 line 30; Col. 6, lines 2-19; and Figure 3 in Olsen to make a prior art showing of applicant's claimed "receiving a message from the license enforcement server indicating a state of authorization associated wit the licensed activity" (see this or similar, but not identical language in each of the foregoing claims). Applicant respectfully asserts that the excerpts relied on by the Examiner merely teach sending messages to the client if "any arguments fail" to be valid or if there is an error. Clearly, messages concerning invalid arguments and errors, in the context disclosed in Olsen, do not meet applicant's specific claim language, namely "receiving a message...indicating a state of authorization associated with the licensed activity" (emphasis added).

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

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This criterion has simply not been met by the Olsen reference, as noted above. Nevertheless, despite such paramount deficiencies and in the spirit of expediting the prosecution of the present application, applicant has substantially incorporated the subject matter of Claims 6 and 7 into each of the independent claims.

With respect to the subject matter of Claim 6, the Examiner has relied on Col. 5, lines 11-20 in Olsen to make a prior art showing of applicant's claimed "namespace tree...[that] uniquely identify[ies] the licensed activity" (see this or similar, but not identical language in each of the independent claims). Applicant respectfully asserts that a general database capable of storing license information does not rise to the level of specificity of applicant's claimed namespace tree, since nowhere in Olsen is there any suggestion of utilizing namespaces in a tree for uniquely identifying licensed activity.

With respect to the subject matter of Claim 7, the Examiner has relied on Col. 2, lines 44-59 and Col. 7, lines 50-67 in Olsen to make a prior art showing of applicant's claimed "at least one license enforcement gateway communicatively coupled to the license enforcement server" (see this or similar, but not identical language in each of the independent claims). The Examiner has argued that a gateway is provided in Olsen for access of one server to another when a license is not available on the given server. However, applicant notes that Olsen teaches trying to contact LSPs until a root is reached (Col. 7, line 60-63). Clearly, the disclosure of a root, as in Olsen, *teaches away* from a license enforcement gateway, as claimed by applicant.

To further distinguish applicant's claimed license enforcement gateway from the Olsen reference, applicant has substantially included the following claim language into each of the independent claims:

"wherein the license enforcement server connects to the license enforcement gateway to synchronize and validate at least one of the database and namespace tree" (see this or similar, but not identical language in each of the independent claims).

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Applicant respectfully asserts that nowhere in Olsen is there any teaching of a "license enforcement gateway [that is utilized to] synchronize and validate at least one of the database and namespace tree," as specifically claimed by applicant. In fact, Olsen merely teaches that servers are capable of contacting other servers for locating a requested license (see Col. 7, lines 50-67). Simply locating a license on another server clearly does not meet applicant's claimed synchronizing or validating.

Applicant further notes that the prior art is also deficient with respect to the dependent claims. For example, with respect to Claims 2 and 3 et al., the Examiner has relied on Col. 3, lines 49-53 and 59-63; Col. 7, lines 4-24; and item 506 in Figure 5 to make a prior art showing of applicant's claimed technique "wherein the network-critical machine is a primary domain control server" (Claim 2 et al.) and "wherein the network-critical machine is an address server" (Claim 3 et al.). The Examiner has further stated that such excerpts teach "the system as being resident on a PDC and address server is provided for within the system of Olsen by the implementation of Novell Netware." However, applicant emphasizes that that, as claimed, "the network-critical machine" is a primary domain control server and/or address server (emphasis added), and not simply that the system is resident on a PDC or address server, as the Examiner contends.

A notice of allowance or a specific prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Still yet, applicant brings to the Examiner's attention the subject matter of new Claims 27-32 below, which are added for full consideration:

"wherein the namespace tree is organized utilizing data associated with at least one of vendors, categories of software, products, versions of the products, and licensing modeled data associated with the products" (see Claim 27);

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"wherein the license enforcement server serves licenses associated with software from a plurality of vendors" (see Claim 28);

"wherein the licensed activity is prevented if the state of authorization includes an unauthorized state" (see Claim 29);

"wherein an alarm is created if the state of authorization includes an unauthorized state" (see Claim 30);

"wherein the license enforcement server communicates with the license enforcement gateway information associated with at least one of a list of licenses, data regarding use of a particular license, requests for receiving new licenses, requests for receiving updates to existing licenses, alarms associated with piracy, and alarms associated with a disabling of a license" (see Claim 31); and

"the license enforcement server periodically confirms the validity of at least one license according to at least one of a date, a number of launches, and a number of logged hours; and

the license enforcement server authorizes licenses without communicating with the license enforcement gateway between the periodic confirmations" (see Claim 32).

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The

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Commissioner is authorized to charge any additional fees or credit any overpayment to

Deposit Account No. 50-1351 (Order No. NAI1P244/01.238.01).

Respectfully submitted,
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